

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF SOUTH CAROLINA
ROCK HILL DIVISION

Christopher L. Thomas,)	
)	
Plaintiff,)	C/A No. 0:13-1737-TMC
)	
v.)	ORDER
)	
Sumter-Lee Regional Detention)	
Center; Lt. McMillian; and Lt.)	
Glover-Blanding,)	
)	
Defendants.)	
)	

Plaintiff Christopher L. Thomas, a state prisoner, filed this action pursuant to 42 U.S.C. § 1983. On June 27, 2013, Magistrate Judge Paige J. Gossett issued a Report and Recommendation ("Report") recommending that the Defendants' Motion for Summary Judgment (ECF No. 36) be granted, and the Complaint be dismissed with prejudice. (ECF No. 45).¹ Plaintiff was advised of his right to file objections to the Report (ECF No. 45 at 11). However, Plaintiff has not filed any objections to the Report and the time for doing so has expired.²

The Report has no presumptive weight and the responsibility to make a final determination in this matter remains with this court. *See Mathews v. Weber*, 423 U.S. 261, 270-71 (1976). In the absence of objections, this court is not required to provide an explanation for

¹ In accordance with 28 U.S.C. § 636(b) and Local Rule 73.02(B)(2), D.S.C., all pre-trial proceedings were referred to a magistrate judge.

² The court notes that Plaintiff's Response to Defendants' Summary Judgment Motion, filed January 23, 2014, included a return address at Wateree River Correctional Institution. (ECF No. 23). However, Plaintiff was ordered to inform the court of any address change (ECF No. 14), and his current address on the docket is listed as Kirkland Correctional Institution. Additionally, no mail has been returned undeliverable and, as of the date of this Order, the South Carolina Department of Corrections website lists Plaintiff's address as Kirkland Correctional Institution.

adopting the Report. *See Camby v. Davis*, 718 F.2d 198, 199 (4th Cir. 1983). Rather, “in the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (quoting Fed. R. Civ. P. 72 advisory committee’s note). Furthermore, failure to file specific written objections to the Report results in a party’s waiver of the right to appeal the district court’s judgment based upon that recommendation. 28 U.S.C. § 636(b)(1); *Thomas v. Arn*, 474 U.S. 140 (1985); *Wright v. Collins*, 766 F.2d 841 (4th Cir. 1985); *United States v. Schronce*, 727 F.2d 91 (4th Cir. 1984).

After a thorough review of the Report and the record in this case, the court adopts the Magistrate Judge’s Report (ECF No. 45) and incorporates it herein. Therefore, Defendants’ Motion for Summary Judgment (ECF No. 36) is **GRANTED**, and this action is **DISMISSED** with prejudice.

IT IS SO ORDERED.

s/ Timothy M. Cain
United States District Judge

Anderson, South Carolina
July 18, 2014

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified of the right to appeal this order pursuant to Rules 3 and 4 of the Federal Rules of Appellate Procedure.